

station may be operated only by the licensee of the MDS station or its subscriber and only at receiving location of the MDS station with which it is communicating. More than one response station may be operated at the same or different receiving locations. All MDS response stations communicating with a single MDS station shall operate within the same frequency channel. The specified frequency channel which may be used by the response station is determined by the channel assigned to the MDS station with which it communicates. The specified frequency channel may be subdivided to provide a distinct operating frequency for each of more than one response station.

(b) Authorization of an MDS response station is subject to the following terms and conditions:

(1) The response station shall not cause interference to any station operating beyond the service area of the MDS station with which it communicates.

(2) The antenna structure height employed at any location shall not exceed the criteria set forth in §17.7 of this chapter.

(c) The response channels associated with channels E3, E4, F3, F4, H1, H2, and H3 are allocated to the private operational-fixed service (part 94 of this chapter).

[48 FR 33901, July 26, 1983, as amended at 52 FR 27556, July 22, 1987; 52 FR 37786, Oct. 9, 1987; 56 FR 57818, Nov. 14, 1991]

§21.910 Special procedures for discontinuance, reduction or impairment of service by common carrier MDS licensees.

Any MDS licensee who has elected common carrier status and who seeks to discontinue service on a common carrier basis and instead provide service on a non-common carrier basis or who otherwise intends to reduce or impair service, shall be subject to the following procedures:

(a) The carrier shall notify all affected customers of the planned discontinuance, reduction or impairment. Notice shall be in writing to each affected customer unless the Commission authorizes in advance, for good cause

shown, another form of notice. Notice shall include the following:

- (1) Name and address of carrier;
- (2) Date of planned service discontinuance, reduction or impairment;
- (3) Points or geographic areas of service affected;
- (4) Whether Single-channel or Multi-channel Multipoint Distribution Service is the service affected; and
- (5) The following statement:

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that end-users will be adversely affected thereby. Affected customers wishing to object should file objections within 45 days after receipt of this notification, and address them to the Domestic Radio Branch, Domestic Facilities Division, Federal Communications Commission, Washington, DC 20554, referencing the §21.910 Application of (carrier's name). Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon end-users, including any inability by the customer to acquire reasonable substitute service from another provider. The affected customer must state that it has provided a copy of the objection to the carrier seeking discontinuance.

(b) The carrier shall file with this Commission, on or after the date on which notice has been given to all affected customers, an application which shall contain the following:

- (1) Caption—"Section 21.910 Application";
- (2) Information listed in §21.901(a) (1) through (4) above;
- (3) Brief description of the dates and methods of notice of all affected customers;
- (4) A statement of whether any customer has opposed the notice; and
- (5) Any other information the Commission may require.

(c) The application to discontinue, reduce or impair service shall be automatically granted on the 76th day after its filing with the Commission without any Commission notification to the applicant unless an objection has been filed or the Commission has notified the applicant that the grant will not be automatically effective.

[52 FR 27557, July 22, 1987]